

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: EDWARD SILFIES and	:	CHAPTER 13
KELLY ELLIOTT	:	
Debtor(s)	:	
	:	
CHARLES J. DEHART, III	:	
STANDING CHAPTER 13 TRUSTEE	:	
	:	
vs.	:	
	:	
EDWARD SILFIES and	:	
KELLY ELLIOTT	:	
Respondent(s)	:	CASE NO. 5-16-bk-04475

TRUSTEE'S OBJECTION TO CHAPTER 13 PLAN

AND NOW, this 10th day of March, 2017, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, and objects to the confirmation of the above-referenced debtor(s)' plan for the following reason(s):

1. Debtor(s)' plan violates 11 U.S.C. Sec. 1322(a)(1) in that the debtor(s) has not submitted all or such portion of the disposable income to the Trustee as required

2. Debtor(s)' plan violates 11 U.S.C. Sec. 1322(b)(2) in that the debtor(s) attempts to modify the rights of a secured claimant outside of the plan. Said modification of rights is only permissible by means of, and therefor under, the Chapter 13 Plan.

3. Debtor(s)' plan violates 11 U.S.C. Sec. 1325(a)(4) in that the value of property to be distributed under the plan on account of each allowed unsecured claim is less than the amount that would be paid on such claim if the estate were liquidated under Chapter 7. More specifically, debtors have excess non-exempt equity in the following:

a. Residential real estate - CMA

WHEREFORE, Trustee alleges and avers that debtor(s) plan is nonconfirmable and therefore Trustee prays that this Honorable Court will:

a. Deny confirmation of debtor(s) plan.

- b. Dismiss or convert debtor(s) case.
- c. Provide such other relief as is equitable and just.

Respectfully submitted:

Charles J. DeHart, III
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
(717) 566-6097

BY: /s/Agatha R. McHale
Attorney for Trustee

CERTIFICATE OF SERVICE

AND NOW, this 10th day of March, 2017, I hereby certify that I have served the within Objection by electronically notifying parties or by depositing a true and correct copy of the same in the United States Mail at Harrisburg, Pennsylvania, postage prepaid, first class mail, addressed to the following:

Raymond Ferrario, Esquire
538 Spruce Street
Scranton Life Bldg., Suite 528
Scranton, PA 18503

/s/Deborah A. Behney
Office of Charles J. DeHart, III
Standing Chapter 13 Trustee